

DURIE TANGRI LLP  
SONAL N. MEHTA (SBN 222086)  
smehta@durietangri.com  
LAURA E. MILLER (SBN 271713)  
lmiller@durietangri.com  
CATHERINE Y. KIM (SBN 308442)  
ckim@durietangri.com  
217 Leidesdorff Street  
San Francisco, CA 94111  
Telephone: 415-362-6666  
Facsimile: 415-236-6300

Attorneys for Defendant  
Facebook, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SIX4THREE, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. 3:17-cv-00359-WHA

**DECLARATION OF CATHERINE Y. KIM IN  
SUPPORT OF PLAINTIFF SIX4THREE,  
LLC'S ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL  
(DKT. NO. 22)**

Ctrm: 8, 19th Floor  
Judge: Honorable William Alsup

Pursuant to Civil L.R. 79-5(d), Defendant Facebook, Inc. (“Facebook”) submits the following Declaration of Catherine Y. Kim in Support of Plaintiff’s Administrative Motion to File Under Seal (“Motion”) (Dkt. No. 22), to establish that portions of Six4Three’s Reply to its Motion to Remand (“Reply”) and Exhibits 3–5, 6–19 to the Declaration of David S. Godkin in Support of Plaintiff’s Reply to Defendant’s Opposition to Plaintiff’s Motion to Remand are sealable.

**DECLARATION OF CATHERINE Y. KIM**

I, Catherine Y. Kim, declare as follows:

1. I am an attorney at law licensed to practice in the state of California. I am an attorney with the law firm of Durie Tangri LLP, counsel for Facebook, Inc. in this matter. I make this Declaration from personal knowledge, and if called to testify, I could and would testify competently thereto.

2. Six4Three’s Reply brief, at pages 11:1–4, 12–15, 18–24, 26–27; 12:3–21, 23–28; 13:1–13, 15–28; and 15:25–28. These portions of Six4Three’s Reply contain extensive quotation and description of Facebook’s internal strategy analysis and business discussions, the release of which could damage Facebook’s business.

3. Exhibit 3 at pages 3–10. The requested portion contains extensive quotation and description of Facebook’s internal strategic analysis and business discussions, the release of which could damage Facebook’s business.

4. Exhibit 4 at pages FB 61366–69. The requested portion contains sensitive discussion of Facebook’s internal strategic analysis of third-party applications, the release of which could damage Facebook’s relationships with third-party applications.

5. Exhibit 6 at page FB 61251. The requested portion contains sensitive discussion of Facebook’s internal strategy, the release of which could damage Facebook’s business relationships.

6. Exhibit 7 at pages FB 61437–39. The requested portion contains sensitive discussion of Facebook’s internal strategic analysis of third-party applications, the release of which could damage Facebook’s relationships with third-party applications.

7. Exhibit 8. This document contains internal discussion of Facebook’s agreement with a third party that is not a party to this lawsuit, the release of which could damage Facebook’s relationship with that third party and other Facebook partners.

1           8.       Exhibit 9 at pages FB 427604–05. The requested portion contains internal discussion of  
2 Facebook’s communications with a third party that is not a party to this lawsuit, the release of which  
3 could damage Facebook’s relationship with that third party and other Facebook partners.

4           9.       Exhibit 10. This document contains Facebook’s sensitive business communications with  
5 a third party that is not a party to this lawsuit, the release of which could damage Facebook’s relationship  
6 with that party.

7           10.      Exhibit 11. This document is a confidential business contract between Facebook and a  
8 third party that is not a party to this lawsuit, the release of which could damage Facebook’s relationship  
9 with that party.

10          11.      Exhibit 12. This document contains Facebook’s sensitive business communications with  
11 a third party that is not a party to this lawsuit, the release of which could damage Facebook’s relationship  
12 with that party.

13          12.      Exhibit 13 at pages FB 42899–42908. The requested portion contains Facebook’s  
14 sensitive business communications with a third party that is not a party to this lawsuit, the release of  
15 which could damage Facebook’s relationship with that party.

16          13.      Exhibit 14 at pages FB 42374–75, 42377–78. The requested portion contains Facebook’s  
17 sensitive business communications with a third party that is not a party to this lawsuit, the release of  
18 which could damage Facebook’s relationship with that party.

19          14.      Exhibit 15 at pages FB 43830–34. The requested portion contains Facebook’s sensitive  
20 business communications with a third party that is not a party to this lawsuit, the release of which could  
21 damage Facebook’s relationship with that party.

22          15.      Exhibit 16 at pages FB 45736–38. The requested portion contains Facebook’s sensitive  
23 business communications with a third party that is not party to this lawsuit, the release of which could  
24 damage Facebook’s relationship with that party.

25          16.      Exhibit 17. This document contains Facebook’s sensitive business communications with  
26 a third party that is not party to this lawsuit, the release of which could damage Facebook’s relationship  
27 with that party, and internal discussions regarding the same.  
28



**CERTIFICATE OF SERVICE**

I hereby certify that on February 13, 2017 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

*/s/ Catherine Y. Kim*

CATHERINE Y. KIM